

AN ACT

ENTITLED, An Act to require inspections of certain facilities by the Department of Health.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 34-23A-1 be amended by adding thereto NEW SUBDIVISIONS to read as follows:

"Abortion facility," a place where abortions are performed;

"Department," the South Dakota Department of Health;

Section 2. That chapter 34-23A be amended by adding thereto a NEW SECTION to read as follows:

Except as provided by section 3 of this Act, no person may establish or operate an abortion facility in this state without an appropriate license issued under this Act. Each abortion facility shall have a separate license. No abortion facility license is transferrable or assignable.

Section 3. That chapter 34-23A be amended by adding thereto a NEW SECTION to read as follows:

The following facilities need not be licensed under this Act:

- (1) A health care facility licensed pursuant to chapter 34-12; or
- (2) The office of a physician licensed pursuant to chapter 36-4 unless the office is used for performing abortions.

Section 4. That chapter 34-23A be amended by adding thereto a NEW SECTION to read as follows:

An applicant for an abortion facility license shall submit an application to the department on a form prescribed by the department. The application shall be accompanied by a nonrefundable license fee in an amount set by the department by rules promulgated pursuant to chapter 1-26. The license fee may not exceed two thousand dollars. The application shall contain evidence that there are one

or more physicians on the staff of the facility who are licensed by the State Board of Medical and Osteopathic Examiners. The department shall issue a license if, after inspection and investigation, it finds that the applicant and the abortion facility meet the requirements of this Act and the standards promulgated in rules adopted pursuant to this Act. As a condition for renewal of a license, the licensee shall submit to the department the annual license renewal fee set by rules promulgated pursuant to chapter 1-26.

Section 5. That chapter 34-23A be amended by adding thereto a NEW SECTION to read as follows:

The department may inspect an abortion facility at reasonable times as necessary to ensure compliance with this Act. The department shall inspect an abortion facility before renewing the facility's license.

Section 6. That chapter 34-23A be amended by adding thereto a NEW SECTION to read as follows:

Any fees collected under this Act shall be deposited in the abortion facility licensing fund and are continuously appropriated to administer and enforce this Act.

Section 7. That chapter 34-23A be amended by adding thereto a NEW SECTION to read as follows:

The department shall adopt rules pursuant to chapter 1-26 for the issuance, renewal, denial, suspension, and revocation of a license to operate an abortion facility. The department shall adopt, by rules promulgated pursuant to chapter 1-26, minimum standards to protect the health and safety of a patient of an abortion facility. The rules shall establish minimum standards regarding:

- (1) Facility safety and sanitation;
- (2) Qualifications and supervision of professional and nonprofessional personnel;
- (3) Emergency equipment and procedures to provide emergency care;

- (4) Medical records and reports;
- (5) Procedure and recovery rooms;
- (6) Infection control;
- (7) Medication control;
- (8) Quality assurance;
- (9) Facility and laboratory equipment requirements, sanitation, testing, and maintenance;
- (10) Information on and access to patient follow-up care; and
- (11) Patient screening, assessment, and monitoring.

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I certify that the attached Act
originated in the

SENATE as Bill No. 185

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 185

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State